

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

EVAN CARNAHAN,

Plaintiff,

v.

DAVID LEON,

Defendant.

No. 2:17-CV-0086-SAB

**ORDER SETTING TRIAL DATE
AND MOTION TO DISMISS
HEARING DATE**

A pretrial conference was held in this matter on January 7, 2022. Mark Choate appeared on behalf of Plaintiff and Dylan Jackson and Jeff Sbaih appeared on behalf of Defendant.

At the hearing, the Court asked the parties to submit their available dates for trial and oral argument on Defendant's pending Motion to Dismiss, ECF No. 172. The parties have submitted their schedules and thus the Court sets a trial date, hearing date on Defendant's motion, and associated case deadlines.

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**ORDER SETTING TRIAL DATE AND MOTION TO DISMISS HEARING
DATE # 1**

Accordingly, **IT IS HEREBY ORDERED:**

TRIAL DATES

1. Bench Trial. The trial shall commence on **April 18, 2022**, at **9:00 a.m.** in **Seattle**, Washington. The matter of bench trial or jury trial shall be discussed at the next hearing on February 7.

2. Pretrial Conference. A pretrial conference will be held **by video** on **April 5, 2022**, at **10:00 a.m.** Case participants will be provided with separate call-in details by email from the Court's staff.

MOTION DEADLINES

3. Defendant's Motion to Dismiss. The hearing on Defendant's Motion to Dismiss, ECF No. 172, is **set with oral argument** on **February 7, 2022** at **10:00 a.m.** by video. Case participants will be provided with separate call-in details by email from the Court's staff.

4. Motions *in Limine*.

A. *Motions in Limine*: shall be filed and served on or before **March 7, 2022**.

B. *Responses*: shall be filed and served on or before **March 14, 2022**.

C. *Replies*: shall be filed and served on or before **March 21, 2022**.

D. *Notation*: *Motions in limine* shall be noted for hearing at the pretrial conference.

TRIAL PREPARATION DEADLINES

5. Exhibit and Witness Lists.

A. *Exhibit Lists and Witness Lists*: shall be filed and served and exhibits made available for inspection (or copies provided), on or before **March 14, 2022**.

B. *Identification*: The witness list shall include identification of each witness's testimony.

C. *Notation of Exhibits*: Where feasible, all exhibits identified in depositions shall be pre-marked with the exhibit numbers that will be used at trial. Plaintiff's

1 trial exhibits are to be numbered 1 through 199; Defendant's exhibits are to be
2 numbered 200 and following.

3 *D. Objections:* Objections to the opposing party's witness list or exhibit list
4 and any accompanying briefs shall be filed and served on or before **March 21,**
5 **2022.**

6 *E. Responses:* Responses, if any, to objections shall be filed and served on or
7 before **March 28, 2022.**

8 **6. Pretrial Exhibit Stipulation.**

9 *A. Stipulation:* The parties shall prepare a pretrial exhibit stipulation that
10 shall contain each party's numbered list of all trial exhibits with the opposing
11 party's objections to each exhibit, including the basis of the objection and the
12 offering party's brief response. All exhibits to which there is no objection shall be
13 deemed admitted, subject to any objections at trial that could not be raised in
14 advance.

15 *B. Deadline:* The pretrial exhibit stipulation shall be filed on **March 28,**
16 **2022.**

17 *C. Objections to witness and exhibits shall be heard at the pretrial*
18 *conference.*

19 **7. Pretrial Order.**

20 *A. Deadline:* A joint Pretrial Order, prepared in accordance with the format
21 provided in Local Rule 16.1(b), shall be filed on or before **March 28, 2022,** and a
22 copy e-mailed in Word format to the Court at bastianorders@waed.uscourts.gov.

23 *B. Consistency:* The list of exhibits contained in the joint Pretrial Order shall
24 reflect the exhibit marking scheme described above in paragraph 10(A).

25 *C. Duplicative Exhibits:* In preparing the joint Pretrial Order, the parties
26 shall confer regarding duplicate exhibits and determine which party will submit
27 such exhibits for trial.

1 **8. Trial Briefs and Proposed Findings of Fact and Conclusions of Law or Voir**
2 **Dire.** Trial briefs and proposed findings of fact and conclusions of law or voir dire
3 shall be filed by **March 24, 2022**.

4 **9. Submissions on the First Day of Trial.** The Court requires that the following
5 be submitted to the courtroom deputy clerk on the first day of trial:

6 *A. Exhibits.* Exhibits for presentation at the trial in tabbed binders indexed
7 by exhibit number with exhibit tags placed consistently on the bottom right corner
8 of each exhibit. Counsel shall submit to the Court an original binder and two
9 copied binders of their exhibits together with three discs or flash drives containing
10 the same.

11 *B. Exhibit List.* One copy of a final joint exhibit list.

12 *C. Witness List.* One copy of witness lists in the order in which the witnesses
13 are expected to be called to testify.

14 **MODIFICATIONS**

15 **10. Good Cause.** Pursuant to Rule 16 of the Federal Rules of Civil Procedure, this
16 schedule shall not be modified unless the Court finds good cause to grant leave for
17 modifications.

18 **IT IS SO ORDERED.** The District Court Clerk is hereby directed to enter
19 this Order and to provide copies to counsel.

20 **DATED** this 14th day of January 2022.

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24 Stanley A. Bastian
25 United States District Judge
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